

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GILEAD SCIENCES, INC.

Plaintiff,

v.

APOTEX, INC., LUPIN LIMITED, LAURUS
LABS LIMITED, SHILPA MEDICARE
LIMITED, SUNSHINE LAKE PHARMA CO.,
LTD., NATCO PHARMA LIMITED, CIPLA
LIMITED, MACLEODS PHARMACEUTICALS
LTD., HETERO USA INC., HETERO LABS
LIMITED UNIT-V AND HETERO LABS
LIMITED,

C.A. No. 20-cv-00189-MN

Defendants.

CONSENT JUDGMENT AND ORDER

This action for patent infringement having been brought by Plaintiff Gilead Sciences, Inc. (“Gilead”) against defendant Apotex, Inc. (“Apotex”) for infringement of U.S. Patent Nos. 8,754,065 and 9,296,769.

Gilead and Apotex (“the Parties”) have agreed to the terms and conditions in a confidential Settlement and License Agreement (the “Agreement”) and, accordingly, have agreed to terminate the pending litigation by the entry of this Judgment and Order; and

The Parties now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the Parties and subject matter of this action.
2. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Gilead against Apotex and its Affiliates, or by Apotex and its Affiliates against

Gilead, in this action are hereby dismissed without prejudice. For purposes of this Judgment and Order, “Affiliates” means any entity controlling, controlled by, or under common control with Apotex, but only as long as such control continues, where “control” and its correlates means (a) the ownership of at least fifty percent (50%) of the equity or beneficial interest of such entity, (b) the right to vote for or appoint a majority of the board of directors or other governing body of such entity, or (c) the power, whether pursuant to contract, ownership of securities, or otherwise, to direct the management and policies of such entity.

3. Except as otherwise provided by the Parties’ Agreement, Apotex and its Affiliates are hereby enjoined from making, having made, using, having used, offering for sale, having offered for sale, selling, or having sold in the United States, or importing or having imported into the United States, the products of ANDA Nos. 213867, 214053, and 214095 (collectively, “Apotex’s ANDAs”) until permitted under the Parties’ Agreement.

4. The Parties waive all right to appeal from this Judgment and Order.

5. This Court shall retain jurisdiction of this action and over the parties for purposes of enforcement of the provisions of this Judgment and Order.

6. As provided in the Agreement, Parties are permitted to notify FDA in writing of the relevant terms of the Agreement.

7. Each Party is to bear its own costs and attorneys’ fees.

Dated: September 8, 2022

/s/ Grayson P. Sundermeir

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*Attorneys for Defendant
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IT IS SO ORDERED this 9th day of September 2022.


The Honorable Maryellen Noreika
United States District Judge